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REMARKS

Claims 1-9, 11-15, 21-29 and 31-35 are currently pending in the subject application and are presently under consideration. Claims 10, 16-20 and 30 stand cancelled.

Favorable reconsideration of the subject patent application is respectfully requested.

I. Remarks on the Advisory Action

In connection with the Advisory Action of December 30, 2005, Applicant thanks the Examiner for entry of amendments for purposes of appeal in the Reply to Final Action dated December 8, 2005. The present Reply is responsive to the new arguments presented in the subject Advisory Action. The previously-submitted arguments with respect to the Final Action of October 28, 2005 are maintained herewith. For purposes of Appeal, any of Applicant's previously-submitted arguments not addressed in the subject Advisory Action are construed as being conceded by the Examiner.

II. Rejection of Claims 1-15 and 21-35 Under 35 U.S.C. §102(e)

Claims 1-9, 11-15, 21-29 and 31-35 stand rejected under 35 U.S.C. §102(e) as being anticipated by Crater *et al.* (US 6,201,996). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Crater *et al.* fails to teach or suggest *each and every element* of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

In the outstanding Advisory Action of December 30, 2005, the Examiner stated that the previous Reply after Final dated December 8, 2005 does not place the application in condition for allowance because Applicant's arguments are not persuasive. The Examiner indicates disagreement with the arguments of Applicant's previous Reply,

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again stating that, *Firstly Crater et al. discloses an applet (an instruction that preserves an instance of a software object) transmitted by the controller with the web page to the client (col. 7, lines 7-10) i.e. the applet is on the web server.* However, as was discussed in the previous Reply, the cited passage actually states, *As used herein, the term "applet" refers generically to browser-executable instructions transmitted by the controller, preferably with (or adjunct to) a web page.* Once again, it remains readily apparent from this cited passage (along with the general understanding of internet protocol) that an applet executes *on a web browser, not a web server* as persistently alleged by the Examiner. This distinction between Crater *et al.* and the subject claimed limitations has been clearly drawn previously and is therefore maintained. The Advisory Action again restates the argument from the Final Action that, *The applet is capable of updating the user's display every 15 sec (i.e. persistence instruction). The applet causes the browser to communicate with the server controller every 15 sec to obtain new Cap-Time data (i.e. the persistence applet causes communication after session cessation every 15 sec) (col. 20, lines 26-37).* But as pointed out in the previous Reply, this cited passage actually states that a web page presented to a viewer is *capable of autonomous action while executing on the viewer's browser... by embedding applet code in the web page.* It remains readily apparent from this passage that Crater *et al.* discloses *applet code, embedded in the web page*, which causes the browser to communicate with the controller every 15 sec to obtain new Cap-Time data. Therefore, even if Crater *et al.*'s applet could somehow be construed as *a persistence instruction* as repeatedly stated by the Examiner, it cannot be construed as *a persistence instruction that preserves an instance of a software object on the Web server* as recited in claim 1 and similarly in independent claim 21. As such, it should be readily apparent that Crater *et al.* does not teach or suggest each and every element as recited in the subject claims. Thus, the rejection of independent claim 1 and 21 (and claims which depend therefrom) should be withdrawn.

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III. Rejection of Claims 2-4 and 22-23 Under 35 U.S.C. §103(a)

Claims 2-4 and 22-23 stand rejected under 35 U.S.C. §103(a) as being anticipated by Crater *et al.* in view of Skonnard. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Skonnard does not make up for the aforementioned deficiencies of Crater *et al.* with respect to independent claims 1 and 21 (from which claims 2-3 and 22-23 depend). As shown in the previous Reply, Skonnard, like Crater *et al.*, fails to teach or suggest *one persistence instruction that preserves an instance of a software object on the Web server* as recited in independent claim 1 (and similarly in independent claim 21). Therefore, the subject invention as recited in independent claims 1 and 21 (and 2-4 and 22-23 which depend therefrom) is not obvious over the combination of Crater *et al.* and Skonnard. The Examiner has not contested this argument in the subject Advisory Action, and it is therefore construed that this argument has been conceded by the Examiner. In view of at least the above, it is respectfully requested that this rejection be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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